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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE LLC'S ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
GOOGLE'S REPLY IN SUPPORT OF
MOTION TO EXCLUDE PLAINTIFFS'
LATE DISCLOSED AND IRRELEVANT
WITNESS BLAKE LEMOINE (DKT. 1015)**

Judge: Hon. Yvonne Gonzalez Rogers

I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5, Defendant Google LLC (“Google”) respectfully seeks to seal certain portions of Google’s Reply in Support of Motion to Exclude Plaintiffs’ Late Disclosed and Irrelevant Witness Blake Lemoine (Dkt. 1015) (“Google’s Reply”), which contains non-public, highly sensitive personnel information.

This administrative motion pertains to the following information contained in Google’s Reply:

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality
Google LLC’s Reply in Support of Motion to Exclude Plaintiffs’ Late Disclosed and Irrelevant Witness Blake Lemoine (Dkt. 1015)	Highlighted Portions at: pp. 5:12-19	Google

II. LEGAL STANDARD

A party seeking to seal material must “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civ. L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

In the context of dispositive motions, materials may be sealed in the Ninth Circuit upon a showing that there are “compelling reasons” to seal the information. *See Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006). However, a party seeking to seal information in a non-dispositive motion must show only “good cause.” *Id.* at 1179-80. The rationale for the lower standard with respect to non-dispositive motions is that “the public has less of a need for access to court records attached only to non-dispositive motions because these documents are often unrelated, or only tangentially related, to the underlying cause of action” and that as a result “[t]he public policies that support the right of access to dispositive motions, and related materials, do not apply with equal force to non-dispositive materials.” *Kamakana*, 447 F.3d at 1179; *see also TVIIM, LLC v. McAfee, Inc.*, 2015 WL 5116721, at *1 (N.D. Cal. Aug. 28, 2015) (“Records attached to

nondispositive motions are not subject to the strong presumption of access.”) (citation omitted). Under the more exacting “compelling reasons” standard, courts will seal “highly sensitive personnel documents concerning non-party employees.” *Cowan v. GE Cap. Retail Bank*, 2015 WL 1324848, at *3 (N.D. Cal. Mar. 24, 2015) (internal quotations omitted).

III. THE ABOVE IDENTIFIED MATERIALS SHOULD ALL BE SEALED

Courts have found it appropriate to seal documents where certain information contained therein could be used for scandalous or libelous purposes. *Compliance Servs. of Am., LLC v. Houser Holdings, LLC*, No. 13-CV-01269-JST, 2014 WL 1389474, at *2 (N.D. Cal. Apr. 9, 2014). And as discussed *supra*, even under the compelling reasons standard, courts have granted motions to seal highly sensitive personnel information regarding non-party employees. *Cowan*, 2015 WL 1324848 at *3.

Here, good cause exists to seal the above-referenced portions of Google’s Reply. The material sought to be sealed contains sensitive personnel information regarding a non-party former employee that should not be exposed to the public. Spilly Decl. ¶¶ 2-3. The information Google seeks to redact is the minimal amount of information needed to protect these sensitive personnel matters from unnecessary disclosure. The “good cause” rather than the “compelling reasons” standard should apply but under either standard, Google’s sealing request is warranted.

IV. CONCLUSION

For the foregoing reasons, Google respectfully requests that the Court seal the identified portions of Google’s Reply.

DATED: November 1, 2023

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